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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tetsuhiro SAKAMOTO

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For: DIGITAL DATA SELLING AND BUYING TRANSACTION SYSTEM, AUXILIARY DIGITAL DATA SELLING AND BUYING SYSTEM, DIGITAL DATA SELLING AND BUYING TRANSACTION METHOD, AUXILIARY DIGITAL DATA SELLING AND BUYING METHOD, AND DIGITAL DATA SELLING AND BUYING TRANSACTION APPARATUS

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to:

Assistant Commissioner for Patents, Washington, D.C. 20231

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PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Prior to the initial examination of the above-identified application, Applicant respectfully requests that the application be amended as follows:

IN THE ABSTRACT OF THE DISCLOSURE

Please amend the Abstract of the Disclosure by rewriting same to read as follows:

--A transaction managing portion 2, a copyright owner, a

user, and a transaction intermediary are connected through a communication network using the Internet. The managing portion 2 stores digital data, encryption key data, chronological changes of the circulation number of the encryption key data and of the number of transactions, and identification information of the transaction intermediary 5 and the user. The managing portion 2 decides whether transactions are concluded corresponding to a number of demanded digital data and a number of supplied digital data supplied through the network, identification and asset information of people concerned with the transactions, and identification of encryption key data, and performs data distributing and charging processes. The transaction managing portion 2 manages transaction data of encryption key data such as the circulation number thereof, the number of concluded transactions thereof, and the transaction prices thereof and publicizes the transaction data on the network.--

IN THE CLAIMS

Please amend claims 1-57 by rewriting same to read as follows:

--1. (Amended) A digital data selling and buying transaction method for performing selling and buying transactions for an encryption key for encrypted digital data among a plurality of terminal units connected through a

communication network, comprising the steps of:

receiving buying request data representing a buying order and a buying condition for the encryption key for the encrypted digital data, the buying request data being transmitted through the communication network;

receiving selling request data representing a selling request and a selling condition for the encryption key for the encrypted digital data, the selling request data being transmitted through the communication network;

deciding a transaction price for the encryption key for the digital data corresponding to the received buying request data and the selling request data; and

concluding buying transactions and selling transactions corresponding to the decided transaction price.

--2. (Amended) The digital data selling and buying transaction method as set forth in claim 1, further comprising the step of

storing information with respect to the selling transactions and the buying transactions.

--3. (Amended) The digital data selling and buying transaction method as set forth in claim 1, further comprising the step of:

publicizing information with respect to the selling and
the buying transactions through the communication network.

--4. (Amended) The digital data selling and buying
transaction method as set forth in claim 1,
wherein a use of the digital data has been limited.

--5. (Amended) The digital data selling and buying
transaction method as set forth in claim 1,
wherein the digital data is character data.

--6. (Amended) The digital data selling and buying
transaction method as set forth in claim 1,
wherein the digital data is picture data.

--7. (Amended) The digital data selling and buying
transaction method as set forth in claim 1,
wherein the digital data is audio data.

--8. (Amended) The digital data selling and buying
transaction method as set forth in claim 1,
wherein the digital data is program data of a game.

--9. (Amended) The digital data selling and buying transaction method as set forth in claim 1, further comprising the step of

storing the digital data to a device that performs a process for the concluding of the selling transactions and the buying transactions.

--10. (Amended) The digital data selling and buying transaction method as set forth in claim 1,

wherein a process for the concluding of the selling transactions and the buying transactions is performed corresponding to the decided transaction price.

--11. (Amended) The digital data selling and buying transaction method as set forth in claim 10,

wherein the decided transaction price is stored in a device that performs a process for the concluding of the selling transactions and the buying transactions as time elapses.

--12. (Amended) The digital data selling and buying transaction method as set forth in claim 1,

wherein a process for the concluding of the selling transactions and the buying transactions is performed

corresponding to information regarding people concerned with the selling transactions and the buying transactions.

--13. (Amended) The digital data selling and buying transaction method as set forth in claim 12,

wherein the information regarding the people concerned contains identification information and personal information of the people.

--14. (Amended) The digital data selling and buying transaction method as set forth in claim 1, further comprising the step of

publicizing at least part of information regarding a process for the concluding of the selling transactions and the buying transactions through the communication network.

--15. (Amended) The digital data selling and buying transaction method as set forth in claim 1,

wherein at least part of information regarding a process for the concluding of the selling transactions and the buying transactions is stored and the stored information is rewritten.

--16. (Amended) The digital data selling and buying transaction method as set forth in claim 1,

wherein buyer-side data that represents the buying condition is data regarding a buying price.

--17. (Amended) The digital data selling and buying transaction method as set forth in claim 1,
wherein buyer-side data that represents the buying condition is data regarding a buying transaction execution date.

--18. (Amended) The digital data selling and buying transaction method as set forth in claim 1,
wherein buyer-side data that represents the buying condition is data regarding a buying transaction settlement method.

--19. (Amended) The digital data selling and buying transaction method as set forth in claim 1,
wherein seller-side data that represents the selling condition is data regarding a selling price.

--20. (Amended) The digital data selling and buying transaction method as set forth in claim 1,
wherein seller-side data that represents the selling condition is data regarding a selling transaction execution date.

--21. (Amended) The digital data selling and buying transaction method as set forth in claim 1,
wherein seller-side data that represents the selling condition is data regarding a selling transaction settlement method.

--22. (Amended) The digital data selling and buying transaction method as set forth in claim 1, further comprising the step of:

settling concluded selling transactions and buying transactions and generating data with respect to a paying and receiving process corresponding to a settled result.

--23. (Amended) The digital data selling and buying transaction method as set forth in claim 22, further comprising the step of

rewriting asset information of personal information of people concerned with settled selling transactions and buying transactions to pay and receive the transaction price with respect to the selling transactions and the buying transactions.

--24. (Amended) The digital data selling and buying transaction method as set forth in claim 22,

wherein the digital data have been encrypted to limit a use of the digital data; and

the digital data are converted into data used by a process performed with auxiliary digital data corresponding to the digital data.

--25. (Amended) The digital data selling and buying transaction method as set forth in claim 24, wherein the transaction price is decided for the auxiliary digital data.

--26. (Amended) The digital data selling and buying transaction method as set forth in claim 24, further comprising the step of

storing the auxiliary digital data to a device that performs a process for the concluding of the selling transactions and the buying transactions.

--27. (Amended) The digital data selling and buying transaction method as set forth in claim 24, wherein the conclusion of the selling transactions and the buying transactions is performed corresponding to identification information of the auxiliary digital data.

--28. (Amended) The digital data selling and buying transaction method as set forth in claim 24,
wherein a process for the concluding of the selling transactions and the buying transactions is performed corresponding to a number of buyer-side data and a number of seller-side data with respect to the digital data and the auxiliary digital data.

--29. (Amended) The digital data selling and buying transaction method as set forth in claim 28,
wherein the number of the buyer-side data and the number of the seller-side data with respect to the digital data and the auxiliary digital data are stored in a device that performs the process for the concluding of the selling transactions and the buying transactions as time elapses.

--30. (Amended) The digital data selling and buying transaction method as set forth in claim 24,
wherein a process for the concluding of the selling transactions and the buying transactions is performed corresponding to a number of the digital data and a number of the auxiliary digital data supplied and received.

--31. (Amended) The digital data selling and buying transaction method as set forth in claim 30,

wherein the number of the digital data and the number of the auxiliary digital data supplied and received are stored in a device that performs the process for the concluding of the selling transactions and the buying transactions as time elapses.

--32. (Amended) The digital data selling and buying transaction method as set forth in claim 24,

wherein a process for the concluding of the selling transactions and the buying transactions is performed with:

a number and contents of buyer-side data and a number and contents of seller-side data corresponding to the digital data and the auxiliary digital data; and

a number of the digital data and a number of the auxiliary digital data supplied and received; and

the process for the concluding of the selling transactions and the buying transactions comprises the steps of:

reading the number of the buyer-side data and the number of the seller-side data corresponding to the digital data and the auxiliary digital data and the number of the digital data and the number of the auxiliary digital data supplied and received, the number of the buyer-side data, the number of the seller-side data, the number of the digital data, and the number of the auxiliary digital data having been stored; and

deciding a transaction price corresponding to the data read in the reading step.

--33. (Amended) The digital data selling and buying transaction method as set forth in claim 24,

wherein a process for the concluding of the selling transactions and the buying transactions is performed corresponding to:

information regarding people concerned with the selling and the buying transactions;

identification information of the auxiliary digital data; and

the transaction price decided for the digital data and the auxiliary digital data; and

the process for the concluding of the selling transactions and the buying transactions comprises the steps of:

reading the information regarding the people concerned, the identification information of the auxiliary digital data, and the transaction price decided for the digital data and the auxiliary digital data, the information regarding the people concerned, the identification information of the auxiliary digital data, and the transaction price decided for the digital data and the auxiliary digital data having been stored; and

deciding the transaction price corresponding to the data read in the reading step.

--34. (Amended) The digital data selling and buying transaction system as set forth in claim 24, further comprising the step of

transmitting the digital data and the auxiliary digital data regarding the concluded selling transactions and buying transactions to a buyer with respect to the concluded selling transactions and buying transactions through the communication network.

--35. (Amended) An auxiliary digital data selling and buying system, comprising: a selling processing device for performing a process for selling auxiliary digital data regarding a process for canceling a limitation of use of digital data; a buying processing device for performing a process for buying the auxiliary digital data; and a selling and buying processing device for performing a process for receiving a selling request from the selling processing device and a buying request from the buying processing device and concluding selling transactions and buying transactions, wherein the selling processing device, the buying processing device, and the selling and buying processing device are

connected through a communication network; the selling processing device including:

 selling transmitting means for transmitting user identification information and the selling request of a selling applicant of the auxiliary digital data through the communication network;

 selling receiving means for receiving a selling notification for the digital data transmitted from the selling and buying processing device through the communication network;

 erasing means for erasing the auxiliary digital data; and
 selling controlling means for controlling the selling transmitting means so that the selling applicant user identification information and the selling request are transmitted to the selling and buying processing device, and controlling the erasing means so that the auxiliary data is erased when the selling receiving means has received the selling notification transmitted from the selling and buying processing device through the communication network; the buying processing device includes:

 buying transmitting means for transmitting user identification information and the buying request of a buying applicant of the auxiliary digital data through the communication network;

7246/64549

buying receiving means for receiving a buying notification of the digital data and the auxiliary digital data transmitted from the selling and buying processing device through the communication network; and

buying controlling means for controlling the buying transmitting means so that the buying applicant user identification information and the buying request are transmitted to the selling and buying processing device through the communication network; and

the selling and buying processing device includes:

receiving means for receiving the selling applicant user identification information and the selling request transmitted from the selling processing device through the communication network and the buying applicant user identification information and the buying request transmitted from the buying processing device through the communication network;

storing means for storing user management information and the auxiliary digital data, the user management information correlating the buying applicant user identification information and the selling applicant user identification information and information that represents a state of ownership of the auxiliary digital data and the digital data;

selling and buying transaction concluding processing means for concluding the selling and buying transactions of the auxiliary digital data corresponding to the selling

applicant user identification information and the selling request received by the selling receiving means from the selling processing device and the buying applicant user identification information and the buying request received by the buying receiving means from the buying processing device;

transmitting means for transmitting the auxiliary digital data and a selling notification of the auxiliary digital data through the communication network; and

controlling means for performing: a process for updating the user management information stored in the storing means corresponding to the selling applicant user identification information and the buying applicant user identification information received by the receiving means; a process for reading the auxiliary digital data to be transmitted from the storing means to the buying applicant; a process for controlling the transmitting means so that the auxiliary digital data that has been read to said buying processing device; and a process for controlling the transmitting means so that the selling notification is transmitted to the selling processing device when the selling transactions and the buying transactions of the auxiliary digital data have been concluded.

--36. (Amended) The auxiliary digital data selling and buying system as set forth in claim 35,

7246/64549

wherein the storing means of the selling and buying processing device stores the digital data; the transmitting means of the selling and buying processing device has a function for transmitting the digital data; and

the controlling means of the selling and buying processing device performs a process for reading the digital data to be transmitted from the storing means to the buying applicant and a process for controlling the transmitting means so that the digital data that has been read is transmitted to the buying processing device.

--37. (Amended) The auxiliary digital data selling and buying system as set forth in claim 36,

wherein the selling and buying processing device performs an encrypting process for the digital data with respect to the auxiliary digital data before transmitting the digital data to the buying processing device.

--38. (Amended) The auxiliary digital data selling and buying system as set forth in claim 35,

wherein the auxiliary digital data contains information regarding user identification information of a person having a right of use of the digital data corresponding to the auxiliary digital data.

--39. (Amended) The auxiliary digital data selling and buying system as set forth in claim 38,

wherein the selling and buying processing device performs a process for rewriting information with respect to the user identification information of the person having the right of use for the digital data corresponding to the auxiliary digital data before transmitting the auxiliary digital data to the buying processing device.

--40. (Amended) The auxiliary digital data selling and buying system as set forth in claim 35,

wherein the selling and buying processing device further performs a process for settling concluded selling transactions and buying transactions and generating data regarding a paying and receiving process corresponding to a settled result.

--41. (Amended) The auxiliary digital data selling and buying system as set forth in claim 40,

wherein the selling and buying processing device performs a process for rewriting asset information of personal information of people concerned with the concluded selling transactions and buying transactions through the communication network so that a price of the selling transaction and the buying transaction is paid and received.

--42. (Amended) The auxiliary digital data selling and buying system as set forth in claim 40,

wherein when a person concerned with selling and buying transactions is the selling applicant of the auxiliary digital data corresponding to digital data and the buying applicant of auxiliary digital data corresponding to other digital data, and selling and buying transactions corresponding to the selling request and the buying request of the person are concluded: the selling and buying processing apparatus performs a process for calculating an asset sum of asset transferred in each of the concluded selling and buying transactions as part of the data regarding the paying and receiving process; the selling and buying processing device performs a process for causing the selling processing device of the person to erase the auxiliary digital data corresponding to the digital data; and

the selling and buying processing device performs a process for transmitting the auxiliary digital data corresponding to the other digital data to the buying processing device of the person.

--43. (Amended) The auxiliary digital data selling and buying system as set forth in claim 42,

wherein the selling and buying processing device performs a process for rewriting asset information of personal

information of the person concerned corresponding to the asset sum transferred so that the price for the selling transactions and the buying transactions is paid and received.

--44. (Amended) A digital data selling and buying transaction method for performing selling transactions and buying transactions for digital data through one of a wired and a wireless communication network, comprising the steps of:

receiving buyer-side data that represents a buying order for the digital data and a buying condition through the communication network;

receiving seller-side data that represents a selling order for the digital data and a selling condition through the communication network;

deciding a transaction price of the digital data corresponding to a number and contents of the buyer-side data and a number and contents of the seller-side data; and

concluding the selling transactions and the buying transactions corresponding to the transaction price.

--45. (Amended) An auxiliary digital data selling and buying method, comprising the steps of: performing a process for selling auxiliary digital data with respect to a process for canceling a limitation of use of digital data; performing a process for buying the auxiliary digital data; and

performing a process for receiving a selling request from the selling processing step and a buying request from the buying processing step and concluding selling and buying transactions, wherein the selling processing step, the buying processing step, and the selling and buying processing step are performed by transmitting and receiving data through a communication network; the selling processing step includes the steps of:

transmitting selling applicant user identification information and the selling request of a selling applicant of the auxiliary digital data through the communication network;

receiving a selling notification for the digital data transmitted from the selling and buying processing step through the communication network; erasing the auxiliary digital data; and

controlling the transmitting step so that the selling applicant user identification information and the selling request are transmitted to the selling and buying processing step, and controlling the erasing step so that the auxiliary data is erased when the receiving step has received the selling notification transmitted from the selling and buying processing step through the communication network; the buying processing step includes the steps of:

transmitting buying applicant user identification information and a buying request of a buying applicant of the auxiliary digital data through the communication network;

receiving a buying notification of the digital data and the auxiliary digital data transmitted from the selling and buying processing step through the communication network; and

controlling the transmitting step so that the buying applicant user identification information and the buying request are transmitted to the selling and buying processing step through the communication network; and

the selling and buying processing step includes the steps of:

receiving the selling applicant user identification information and the selling request transmitted from the selling processing step through the communication network and the buying applicant user identification information and the buying request transmitted from the buying processing step through the communication network;

storing user management information and the auxiliary digital data, the user management information correlating the selling applicant user identification information and the buying applicant user identification information and information that represents a state of ownership of the auxiliary digital data and the digital data;

concluding the selling transactions and the buying transactions of the auxiliary digital data corresponding to the selling applicant user identification information and the selling request received by the receiving step from the selling processing step and the buying applicant user identification information and the buying request received by the receiving step from the buying processing step; transmitting the auxiliary digital data and a selling notification of the auxiliary digital data through the communication network; and

updating the user management information stored in the storing step corresponding to the selling applicant user identification information and the buying applicant user identification information received by the receiving step; reading the auxiliary digital data to be transmitted from the storing step to the buying applicant; controlling the transmitting step so that the auxiliary digital data that has been read to the buying processing step; and controlling the transmitting step so that the selling notification is transmitted to the selling processing step when the selling and the buying transactions of the auxiliary digital data have been concluded.

--46. (Amended) A digital data selling and buying transaction apparatus for performing selling transactions and

buying transactions for an encryption key for encrypted digital data among a plurality of terminal units connected through a communication network, the apparatus comprising:

first receiving means for receiving buying request data that represents a buying order and a buying condition for the encryption key for the encrypted digital data from a buying requesting device through the communication network;

second receiving means for receiving selling request data that represents a selling order and a selling condition for the encryption key for the encrypted digital data from a selling requesting device through the communication network;

transaction condition determining means for determining whether the transactions are concluded with the transaction conditions for the encryption key for the digital data corresponding to the buying request data for the encryption key and the selling request data for the encryption key; and

key movement controlling means for controlling a movement of the encryption key for the digital data from the selling requesting device to the buying requesting device corresponding to the concluded transactions determined by the transaction condition determining means.

--47. (Amended) The digital data selling and buying transaction apparatus as set forth in claim 46, further comprising:

buying request storing means for storing the buying request data transmitted from the buying requesting device; and

selling request storing means for storing the selling request data transmitted from the selling requesting device,

wherein the transaction condition determining means determines whether the transactions are concluded corresponding to transaction conditions for the encryption key for the digital data, the transaction conditions being stored in the buying request storing means and the selling request storing means.

--48. (Amended) The digital data selling and buying transaction apparatus as set forth in claim 47, further comprising:

buying request data sorting means for sorting the buying request data stored in the buying request storing means corresponding to a predetermined condition.

--49. (Amended) The digital data selling and buying transaction apparatus as set forth in claim 47, further comprising:

selling request data sorting means for sorting the selling request data stored in the selling request storing means corresponding to a predetermined condition.

--50. (Amended) The digital data selling and buying transaction apparatus as set forth in claim 46, further comprising:

content attribute storing means for storing content attribute data that represents whether key data for digital data corresponding to the buying request data transmitted from the buying requesting device has been permitted to be circulated; and

a first transaction permission determining portion for determining whether transactions for the key data for digital data corresponding to the buying request transmitted from the buying requesting device can be permitted corresponding to the content attribute data stored in the content attribute storing means.

--51. (Amended) The digital data selling and buying transaction apparatus as set forth in claim 46, further comprising:

content attribute storing means for storing content attribute data that represents whether key data for digital data corresponding to the selling request data transmitted from the selling requesting device has been permitted to be circulated; and

a second transaction permission determining portion for determining whether transactions for key data for the digital

data corresponding to the selling request transmitted from the selling requesting device can be permitted corresponding to the content attribute data stored in said content attribute storing means.

--52. (Amended) The digital data selling and buying transaction apparatus as set forth in claim 51, further comprising:

content attribute managing means for updating the content attribute data stored in the content attribute storing means corresponding to a request of a content right owner.

--53. (Amended) The digital data selling and buying transaction apparatus as set forth in claim 46, further comprising:

use limit information transmitting means for transmitting information to the selling requesting device, the information causing the use of key data for digital data corresponding to the selling request data stored in the selling requesting device to be limited for a predetermined period.

--54. (Amended) The digital data selling and buying transaction apparatus as set forth in claim 46, further comprising data that causes key data for the digital data to be erased from the selling requesting device,

wherein the key movement controlling means controls erase data transmitting means so that the key data for the digital data whose selling transactions and buying transactions have been concluded are erased from the selling requesting device.

--55. (Amended) The digital data selling and buying transaction apparatus as set forth in claim 46, further comprising:

black list storing means for storing a condition in which the transactions are prohibited; and

transaction permission determining means for determining whether the received selling request data complies with the condition in which the transactions are prohibited,

wherein when the received selling request data complies with the condition in which the transactions are prohibited the transactions are prohibited.

--56. (Amended) The digital data selling and buying transaction apparatus as set forth in claim 55,

wherein the condition in which the transactions are prohibited that is stored in the black list storing means is updated when the key movement controlling means has failed to move the key.

7246/64549

--57. (Amended) The digital data selling and buying transaction apparatus as set forth in claim 56, further comprising:

sold key management data storing means for storing information with respect to the encryption key for the digital data sold and moved by the key movement controlling means, wherein said transaction permission determining portion prohibits transaction of the encryption key for the digital data corresponding to the selling request data when the encryption key is managed with the sold key management data.--

REMARKS

Claims 1-57 remain in the application and have been amended hereby.

As will be noted from the Declaration, Applicant is a citizen and resident of Japan and this application originated there.

Accordingly, the amendments to the specification are made to place the application in idiomatic English, and the claims are amended to place them in better condition for examination.

An early and favorable examination on the merits is earnestly solicited.

Respectfully submitted,
COOPER & DUNHAM, LLP


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JHM/AVF/pmc